

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION

UNITED STATES OF AMERICA

v.

Case No.: 1:19cr00011-001

ADRIAN JOSE ROMERO

MOTION FOR DISCOVERY

COMES NOW the defendant, Adrian Jose Romero, by counsel, and moves the Court pursuant to the Rules of Court, the Constitution of the United States, *Brady v. Maryland*, 337 U.S. 83 (1963), and all other applicable rules and statutes, for an Order permitting discovery and inspection for obtaining exculpatory evidence in this case.

The Government is specifically requested to provide the following information:

1. All exculpatory information and materials.
2. Any physical evidence, information, statements or notes which are evidence or may lead to evidence that the accused may have a defense to the crime alleged or may have committed an offense lesser than that with which he is charged, or that someone else may have committed the alleged crime.
3. Any and all copies of any written or recorded statements made by the defendant; the substance of any statements made by the defendant that the government intends to introduce into evidence at trial; any response by the defendant to interrogation; the substance of any oral statements that the government intends to introduce at trial; and any written summaries of the defendant's oral statements contained in the handwritten notes of any government agent; and any other statements by the defendant that are discoverable under Fed. R. Crim. P. 16(a)(1)(A).

4. If the defendant made any statements in response to *Miranda* warnings, provide details on who advised the Defendant of his constitutional rights and a copy of any written waiver of said rights made by the Defendant.

5. The defendant requests pursuant to Fed. R. Crim. P. 16(a)(1)(B), that the government provide a copy of his prior criminal record, if any, within the custody and control of the government.

6. The defendant requests his counsel be allowed to inspect the Government's entire file in this case with the option to copy it.

7. The defendant requests, pursuant to Fed. R. Crim. P. 16(a)(1)(D), the reports of all tests and examinations conducted upon the evidence in this case, including but not limited to any fingerprint analysis, that is within the possession, custody or control of the government, the existence of which is known, or by the exercise of due diligence may become known, to the attorney for the government, which are material to the preparation of the defense or which are intended for use by the government as evidence-in-chief at trial.

8. The defendant request that the government provide all relevant information concerning any informants or cooperating witnesses involved in this case. This request is to include but not be limited to the criminal, youthful offender and juvenile records of any information, including any matters pending.

9. The defendant requests any evidence that any prospective government witnesses is biased or prejudiced against the defendant or has a motive to falsify or distort his own testimony.

10. The defendant requests any information that any prospective government witness has engaged in any criminal act, whether resulting in a conviction, and whether any witness has made a statement favorable to the defendant.

11. The defendant requests any evidence that any government witnesses are under investigation by federal, state or local authorities for any criminal conduct.

12. The defendant requests all material to which he is entitled to pursuant to the Jencks Act, 18 U.S.C §3500, and Fed. R. Crim. P. 26.2. The names and addresses of those persons who witnessed all the criminal acts alleged in the indictment.

13. The list of names and addresses of anyone who might give favorable testimony on behalf of the defendant, if known to any agent of the government.

14. All police or law enforcement reports made relating to this case.

15. Any statements or testimony before the grand jury by any witness who may be called to testify in this case.

16. Any books, papers, documents or tangible objects obtained from or belonging to the defendant and/or obtained from others involved in this case by seizure or process.

17. Pursuant to *Giglio v. U.S.*, 405 U.S. 150 (1972), the defendant requests all statements and/or promises, express or implied, made to any government witnesses, in exchange for their testimony in this case, and all other information that could arguably be used for the impeachment of any government witnesses.

WHEREFORE, the defendant, Adrian Jose Romero, respectfully moves that his Motion for Discovery be granted.

Respectfully submitted,
ADRIAN JOSE ROMERO
By Counsel

/s/ Helen E. Phillips
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CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of May, 2019, I electronically filed the foregoing with the Clerk of this Court using the CM/ECF system which will send notification of such filing to counsel of record in this case.

/s/ Helen E. Phillips
Helen E. Phillips